

V. JAMES DESIMONE (SBN: 119668)
CARMEN D. SABATER (SBN: 303546)
RYANN E. HALL (SBN: 306080)
JENICA P. LEONARD (SBN: 245366)
V. JAMES DESIMONE LAW
13160 Mindanao Way Ste. 280
Marina Del Rey, California 90292
Telephone (310) 693-5561
vjdesimone@gmail.com
cds820@gmail.com
rhall@bohmlaw.com
jleonard@bohmlaw.com
VJD000095@gohmlaw.com

Attorneys for All Plaintiffs

DANA A. SUNTAG, (SBN: 125127)
JOSHUA J. STEVENS, (SBN: 238105)
HERUM\CRABTREE\SUNTAG, LLP
3757 Pacific Avenue, Suite 222
Stockton, California 95207
Telephone: (209) 472-7700
dsuntag@herumcrabtree.com
jstevens@herumcrabtree.com

Attorneys for All Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREN SUTHERLAND, et al.

Plaintiffs,
vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-01855-WBS-AC

**STIPULATION AUTHORIZING
ST. JOSEPH'S BEHAVIORAL
HEALTH CENTER AND AKUA
BEHAVIORAL HEALTH, INC., TO
PRODUCE SUBPOENAED
RECORDS;
[PROPOSED] ORDER**

1 All parties, through their undersigned counsel of record, stipulate as follows:

2 RECITALS

3 A. On October 4, 2021, Plaintiffs filed this lawsuit. Plaintiffs are suing under
4 42 U.S.C. Section 1983 regarding the death of Shayne Allen Sutherland ("Decedent").

5 B. Before he died, the Decedent obtained mental health treatment from
6 St. Joseph's Behavioral Health Center ("SJBHC") and Akua Behavioral Health, Inc.
7 ("Akua").

8 C. On July 13, 2023, Defendants served SJBHC with a subpoena for the
9 production of records, a true and correct copy of which is **Exhibit A**.

10 D. SJBHC stated it would produce the subpoenaed records if it were
11 presented with a court order authorizing the release of the records to the parties.

12 E. On August 24, 2023, Defendants served Akua with a subpoena for the
13 production of records, a true and correct copy of which is **Exhibit B**.

14 F. On August 24, 2023, Akua stated it would produce the subpoenaed
15 records if it were presented with a court order authorizing the release of the records to
16 the parties.

17 G. On August 28, 2023, and September 5, 2023, counsel for the parties met
18 and conferred via Zoom regarding the two subpoenas. As a result of the meet and
19 confer, counsel have agreed to ask this Court to issue the order the two subpoenaed
20 parties asked for.

21 STIPULATION

22 1. The parties, by and through their undersigned counsel, respectfully
23 request the Court issue the order set forth below authorizing each of SJBHC and Akua
24 to produce the records that are the subject of Defendants' subpoenas.

25 2. SJBHC and Akua shall produce their records to Plaintiffs' counsel.

26 3. Within three court days after Plaintiffs' counsel receive any records, they
27 shall send an email to defense counsel stating they received records, identifying the
28

1 party who produced the records, and stating the number of pages.

2 4. Within 14 calendar days of Plaintiffs' counsel's receipt of any records,
3 Plaintiffs' counsel will electronically provide copies of the records to Defendants'
4 counsel.

5 5. If Plaintiffs' counsel redact any portion of the records, they shall stamp
6 each page they redact with a "REDACTED" stamp.

7 6. If Plaintiffs' counsel redact or withhold any records, they shall provide
8 defense counsel, with the copies of the records, a privilege log describing any withheld
9 documents or redactions, with sufficient information to enable defense counsel to
10 evaluate the grounds or withholding or redaction.

11 7. If any disagreement arises on any matter covered by this Stipulation, the
12 parties will resolve the dispute through Magistrate Judge Claire's informal discovery
13 resolution process.

14 8. The parties reserve any objections to the admissibility of the records.

15 Respectfully Submitted,

16 Dated: November 3, 2023

HERUM CRABTREE SUNTAG, LLP

17 By: /s/ Joshua J. Stevens

18 DANA A. SUNTAG

JOSHUA J. STEVENS

19 Attorneys for all Defendants

20 Dated November 3, 2023

V. JAMES DESIMONE LAW

21 By: /s/ V. James DeSimone

22 V. JAMES DESIMONE

23 RYANN E. HALL

JENICA P. LEONARD

24 Attorneys for all Plaintiffs

[PROPOSED] ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows: the relief the parties request is GRANTED, as follows:

1. Each of St. Joseph's Behavioral Health Center ("SJBHC") and Akua Behavioral Health, Inc. ("Akua") is authorized to produce to Plaintiffs' counsel, within 14 days of receipt of a copy of this order, the records that are the subject of Defendants' counsel's respective subpoenas.

2. Within three court days after Plaintiffs' counsel receive any records, they shall send an email to defense counsel stating they received records, identifying the party who produced the records, and stating the number of pages.

3. Within 14 calendar days of Plaintiffs' counsel's receipt of any records, Plaintiffs' counsel will electronically provide copies of the records to Defendants' counsel.

4. If Plaintiffs' counsel redact any portion of the records, they shall stamp each page they redact with a "REDACTED" stamp.


5. If Plaintiffs' counsel redact or withhold any records, they shall provide defense counsel, with the copies of the records, a privilege log describing any withheld documents or redactions, with sufficient information to enable defense counsel to evaluate the grounds or withholding or redaction.

6. If any disagreement arises on any matter covered by this Stipulation, the parties will resolve the dispute through Magistrate Judge Claire's informal discovery resolution process.

7. The parties reserve all objections to the admissibility of the records.

IT IS SO ORDERED.

Dated: November 6, 2023


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE